

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

HRT 0241

In re Application of: St. Goar et al.Application No.: 09/863,135Filed: May 22, 2001For: Method of delivering a fluid to the coronary ostia

The owner*, Heartport of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5807318. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record.

B. S. Tomko 25 Jun 04
Signature Date

Brian S. Tomko

Typed or printed name

732.524.1239

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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